IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

Bail Appl..No. 7405 of 2006()

CRIME NO.146/06 OF VADAKKEKKAD POLICE STATION.

PETITIONER/5TH ACCUSED:

HUSSAIN, S/O.BAPPU,
KUNNANCHERY HOUSE, AKALAD OTTAYYINNI DESOM,
PUNNAYOOR VILLAGE, CHAVAKKAD TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7405 OF 2006

DATED THIS THE 18TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the 5th accused in Crime No.146/06 of Vadakkekkad Police Station for offences punishable under sections 143, 147, 148, 323, 307 and 302 read with section 149 IPC, seeks anticipatory bail. The occurrence took place on 16.4.2006 at 5.45 PM. The deceased was the Municipal Chairman of Chavakkad Municipality.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. It is too early to conclude that the petitioner is not guilty of the offences alleged against him and he did not share the common object of the unlawful assembly allegedly formed prior to the occurrence. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn